

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES R. MORRIS, JR., AS)	
ADMINISTRATOR OF THE ESTATE)	
OF JAMES R. MORRIS,)	
)	CIVIL ACTION FILE NO.:
Plaintiff,)	
)	
v.)	[Removed from
)	The State Court of
STATE FARM MUTUAL AUTOMOBILE)	Fulton County;
INSURANCE COMPANY and)	Civil Action File No.
LATASHA WILLIAMS,)	23EV000133]
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW State Farm Mutual Automobile Insurance Company (“State Farm”) and Latasha Williams (“Ms. Williams”), named as defendants in the above-captioned matter, by and through their counsel of law, within the time period prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named plaintiff filed suit against defendant State Farm and Latasha Williams in the State Court of Fulton County, which in the Atlanta Division of this Court. 28 U.S.C. § 90(a)(2). Said lawsuit is styled as above and is numbered as Civil Action File Number 23EV000133. Plaintiff claims damages

based upon the allegation that defendants were negligent in failing to settle a personal injury claim. (Complaint, Exhibit “A,” attached).

2.

Plaintiff filed this suit on January 6, 2023. Plaintiff first provided a copy of the stamped filed Complaint to attorney Jonathan Adelman via email on January 9, 2023. (January 9, 2023 Email, Exhibit “B,” attached). Defendant State Farm was served on January 24, 2023. Defendant Latasha Williams will be acknowledging service of process. This notice of removal is being filed within thirty (30) days of the defendant State Farm’s first receipt of the Complaint via email. *See* 28 U.S.C. § 1446(b)(1) (“The notice of removal of civilian action or proceeding shall be filed within thirty (30) days after the receipt by the defendant, *through service or otherwise*, of a copy of the initial pleading”).

3.

Defendant State Farm is an Illinois corporation with its principal place of business in Bloomington, Illinois. Defendant State Farm was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter. Plaintiff is a citizen of the State of Georgia. (Complaint at ¶ 1, Exhibit “A,” attached).

4.

Plaintiff is seeking recovery from State Farm in an amount exceeding \$3,263,009.28 plus punitive damages and attorney's fees. ("Wherefore" Paragraph of Complaint, Exhibit "A," attached).

5.

The matter in controversy is one which this Court has diversity jurisdiction pursuant 28 U.S.C. § 1332 as it involves citizen parties of different states and as the amount in controversy exceeds the sum of \$75,000. Therefore, pursuant to 28 U.S.C. § 13332 and 28 U.S.C. § 1446(a), This matter may be removed to this Court.

6.

Furthermore, defendant Latasha Williams is being sued for her conduct as an employee claim representative of State Farm. The Eleventh Circuit has previously held that a claim representative "is not liable to an insured for failure to settle a claim against an insured." *Dumas v. ACCC Ins. Co.*, 349 Fed. Appx. 489, 492 (11th Cir. 2009)(Exhibit "C," attached). Accordingly, should plaintiff file a motion to remand, this Court should determine that she has been fraudulently joined, dismiss her from this case, and deny the motion. *Id.* at 491.

7.

Pursuant to the provisions of 28 U.S.C. § 1446, defendants have attached as Exhibit "D" copies of all pleadings that were provided to it, including copies of all

pleading that have been filed to date in the State Court of Fulton County for the above-styled case.

8.

Pursuant to the provisions of 28 U.S.C. § 1446, defendant State Farm is not required to file a removal bond.

9.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

10.

This petition is filed prior to the service of process on any defendants and is, therefore, timely.

WHEREFORE, defendant State Farm prays that this Petition be filed, that the entire action referred to herein above be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, that no further proceedings be held in the case originally filed in the State Court of Fulton County, State of Georgia.

[SIGNATURE OF FOLLOWING PAGE]

This 30th day of January, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Jonathan M. Adelman

Jonathan M. Adelman
(State Bar No. 005128)

Casey Brown
(State Bar No. 757384)

Attorneys for Defendants

900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
(770) 953-1710
jadelman@wachp.com
cbrown@wachp.com

CERTIFICATE OF COMPLIANCE

This is to certify that the foregoing pleading is typed in 14-Point, Times New Roman font and is otherwise formatted in compliance with LR 5.1.

This 30th day of January, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Jonathan M. Adelman

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CERTIFICATE OF SERVICE

I hereby certify that, on this the 30th day of January, 2023, I electronically filed the foregoing *Notice of Removal* with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

Brent J. Savage
Zachary R. Sprouse
SAVAGE, TURNER, PINCKNEY SAVAGE & SPROUSE
Post Office Box 10600
Savannah, GA 31412
zsprouse@savagelawfirm.net
clugar@savagelawfirm.net
Attorneys for Plaintiff

[SIGNATURE ON FOLLOWING PAGE]

This 30th day of January, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Jonathan M. Adelman

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(State Bar No. 005128)

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